

## SYDNEY WESTERN CITY PLANNING PANEL ASSESSMENT REPORT

Panel Number:	PPSSWC-548
Application Number:	2025/243/1
Local Government Area:	Camden
Development:	Demolition of existing structures, removal of trees and vegetation, dam rewatering, remediation and subdivision creating ninety-four (94) Torrens title and ninety-one (91) community title lots with the construction of 124 attached, detached and semi-detached dwellings with road construction, drainage construction, servicing and all associated site works
Estimated Development Cost:	\$57,487,136
Site Address(es):	100 Byron Road, Leppington 118 Byron Road, Leppington 130 Byron Road, Leppington
Applicant:	The Trustee for Crown Trust 52
Owner(s):	Mr R K Northey Mrs H L Behringer Mrs B J Northey Mr L R Northey
Date of Lodgement:	2 May 2025
Number of Submissions:	No submissions received
Number of Unique Objections:	N/A
Classification:	Regionally significant development
Recommendation:	Refuse
Regionally Significant Development Criteria (Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021):	Development that has an estimated development cost of more than \$30 million.
List of All Relevant Section 4.15(1)(a) Matters:	<ul style="list-style-type: none"> <li>• State Environmental Planning Policy (Planning Systems) 2021</li> <li>• State Environmental Planning Policy (Precincts - Western Parkland City) 2021</li> <li>• State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>• State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>• State Environmental Planning Policy (Sustainable Buildings) 2022</li> </ul>

	<ul style="list-style-type: none"> <li>• State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>• Camden Growth Centres Precincts 2023</li> </ul>
List all Documents Submitted with this Report for the Panel's Consideration:	<ul style="list-style-type: none"> <li>• Assessment report</li> <li>• State Environmental Planning Policy (Precincts - Western Parkland City) 2021 assessment table</li> <li>• Camden Growth Centres Precincts 2023 assessment table</li> <li>• Proposed plans</li> </ul>
Development Standard Contravention Request(s):	Not applicable.
Summary of Key Submission Issues:	Not applicable.
Report Prepared By:	Mitch Anderson, Executive Planner
Report Date:	November 2025

#### Summary of Section 4.15 Matters

	Yes
Have all recommendations in relation to relevant Section 4.15 matters been summarised in the Executive Summary of the assessment report?	<input checked="" type="checkbox"/>

#### Legislative Sections Requiring Consent Authority Satisfaction

	Yes
Have relevant sections in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed and relevant recommendations summarised in the Executive Summary of the assessment report?	<input checked="" type="checkbox"/>

#### Development Standard Contraventions

	Yes	N/A
If a written request for a contravention to a development standard has been received, has it been attached to the assessment report?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### Special Infrastructure Contributions

	Yes	No
Does the application require Special Infrastructure Contributions?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## PURPOSE OF REPORT

The purpose of this report is to seek the Sydney Western City Planning Panel's (the Panel's) determination of a development application (DA) for the demolition of existing structures, removal of trees and vegetation, dam rewatering, remediation and subdivision creating ninety-four (94) Torrens title and ninety-one (91) community title lots with the construction of 124 attached, detached and semi-detached dwellings with road construction, drainage construction, servicing and all associated site works at properties 100, 118 and 130 Byron Road Leppington.

The Panel is the consent authority for this DA as the estimated development cost (EDC) is \$57,487,136. This exceeds the EDC threshold of \$30 million for Council to determine the DA pursuant to Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021.

## SUMMARY OF RECOMMENDATION

That the Panel determine DA/2025/243/1 for the demolition of existing structures, removal of trees and vegetation, dam rewatering, remediation and subdivision creating ninety-four (94) Torrens title and ninety-one (91) community title lots with the construction of 124 attached, detached and semi-detached dwellings with road construction, drainage construction, servicing and all associated site works pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979* by refusing development consent for the reasons outlined at the end of this report.

## EXECUTIVE SUMMARY

Council is in receipt of a DA for the demolition of existing structures, removal of trees and vegetation, dam rewatering, remediation and subdivision creating ninety-four (94) Torrens title and ninety-one (91) community title lots with the construction of 124 attached, detached and semi-detached dwellings with road construction, drainage construction, servicing and all associated site works at 100-130 Byron Road, Leppington.

The DA has been assessed against the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2021*, relevant environmental planning instruments, development control plans and policies.

A summary of the assessment of all relevant environmental planning instruments is provided below with a detailed assessment provided later in the report.

State Environmental Planning Policy (Planning Systems) 2021	The Panel is the consent authority for this DA as the development has an EDC of \$57,487,136. The EDC threshold for Council to determine the DA is \$30 million in accordance with Schedule 6 of the SEPP.
State Environmental Planning Policy (Precincts - Western Parkland City) 2021 (Western Parkland City SEPP)	The development is permitted with consent in the applicable R3 Medium Density Residential zone, however the proposal in its current form is inconsistent with the zone objectives of the Western Parkland City SEPP's.

State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP)	The DA was referred to Endeavour Energy for comment pursuant to Section 2.48 of the Transport and Infrastructure SEPP. Endeavour Energy raised no objection to the development subject to standard conditions of consent.
State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP)	<p>A detailed contamination investigation and Remedial Action Plan was submitted for the site and the findings of those investigations are that the site will be suitable for residential development (post remediation).</p> <p>Council's Environmental Health Specialist has reviewed the proposal and confirmed that the site is deemed suitable for residential use if the application was to be approved.</p>
State Environmental Planning Policy (Sustainable Buildings) 2022 (Sustainable Buildings SEPP)	The development is satisfactory in terms of Chapter 3 of the Sustainable Buildings SEPP.
State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP)	The development is satisfactory in terms of the matters for consideration in Chapter 6 – Water Catchments of the Biodiversity and Conservation SEPP.

The DA was publicly exhibited in accordance with Camden Community Participation Plan 2021. The exhibition period was from 27 May to 23 June 2025 and no submissions were received.

As the Panel has been made aware, the subject DA is subject to a Class 1 Appeal in the NSW Land and Environment Court. A Section 34 conciliation conference will be held between the two parties on 18 December 2025 where the matter will be mediated before a Commissioner of the Court.

Based on the assessment, it is recommended that the DA be refused for the reasons outlined at the end of this report.



## AERIAL PHOTO



## THE SITE

The development site is made up of three properties being 100 Byron Road, Leppington (Lot 86 DP 8979), 118 Byron Road, Leppington (Lot 86A DP 8979) and 130 Byron Road, Leppington (Lot 1 DP 368234).

The sites have a total area of approximately 4.16 hectares with a frontage of 445m to Byron Road and 115m to Ingleburn Road.

The topography of the Site is generally flat however there is small crest in the middle of 118 Byron Road which has a parting fall to its nearest front, side and rear boundaries.

The three lots contain existing structures, 100 Byron Road contains a detached single storey dual occupancy, with one dwelling fronting to Byron Road and the other fronting to Ingleburn Road with an inground swimming pool, ancillary farm sheds and shipping containers. 118 Byron Road contains an existing fibro single storey dwelling, a secondary fibro dwelling and a detached fibro garage. 130 Byron Road contains an existing brick single storey dwelling and an ancillary metal shed.

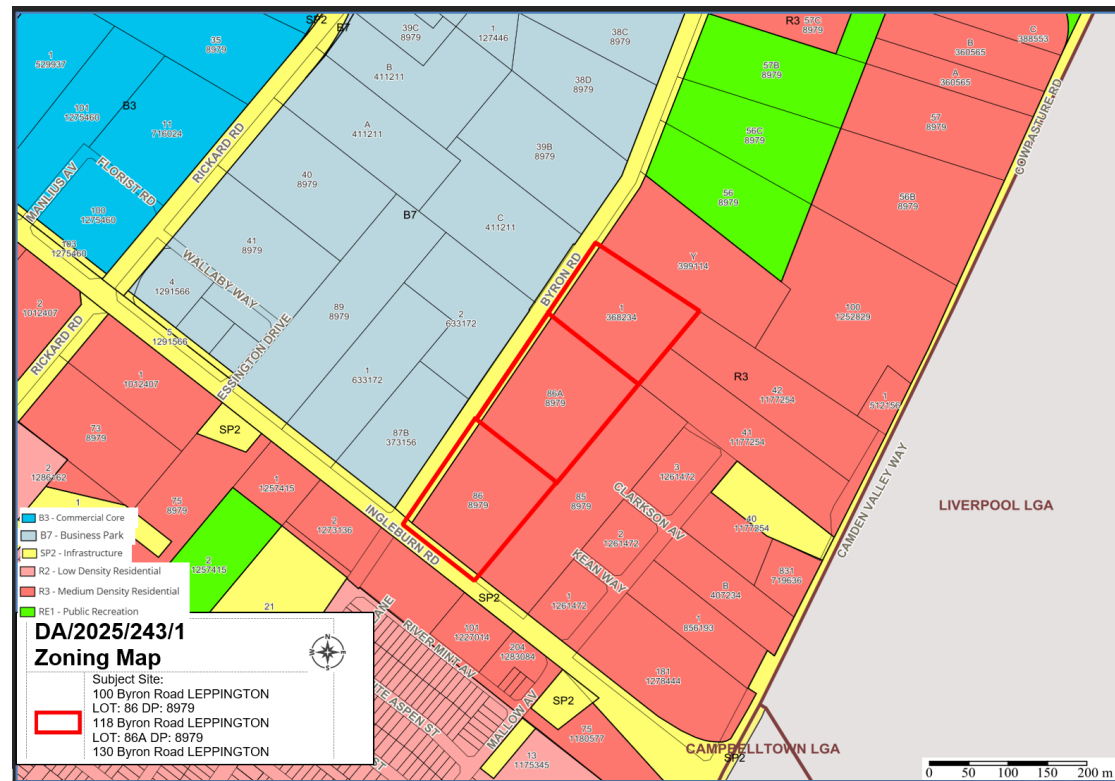
The site is located within the Leppington North Precinct of the South-West Growth Centre. This precinct is in the north-eastern corner of the Camden Council Local Government area.

## HISTORY

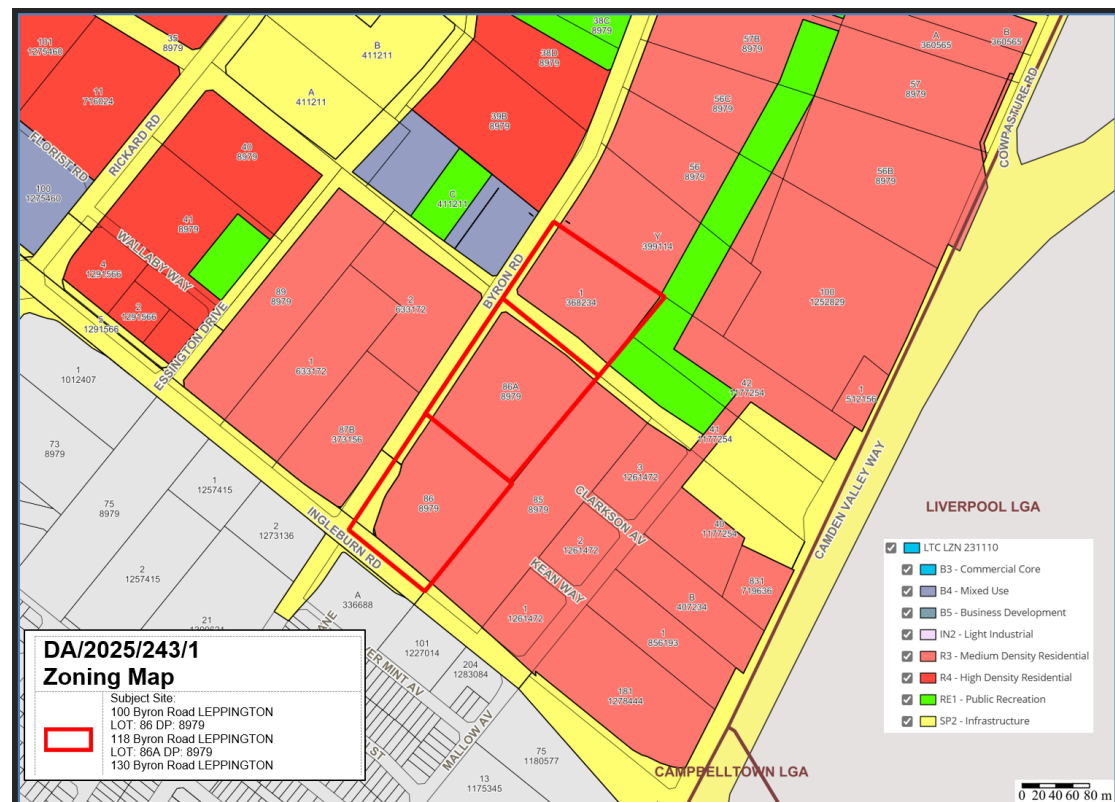
The relevant development history of the site is summarised in the following table:

Date	Development
2 April 2024	DA/2024/114/1 was lodged in the NSW Planning Portal seeking development consent for <i>'Demolition of existing structures, dam de-watering, remediation of contaminated land and subdivision creating 36 Torrens title residential lots, three residue lots and land dedication to facilitate future road upgrades, including bulk earthworks, road construction, drainage construction, servicing, landscaping and associated site works'</i> .
18 October 2024	DA/2024/114/1 was refused by Council.
13 November 2024	The applicant filed the Class 1 proceedings with the NSW Land Environment Court following the refusal of DA/2024/114/1 which remains before the courts, however following ongoing without prejudice discussions is likely to come to agreement throughout the s34 process.
2 May 2025	The subject application DA/2025/243/1 was lodged in the NSW Planning Portal seeking development consent for <i>'Demolition of existing structures, removal of trees and vegetation, dam rewatering, remediation and subdivision creating ninety-four (94) Torrens title and ninety-one (91) community title lots with the construction of 124 attached, detached and semi-detached dwellings with road construction, drainage construction, servicing and all associated site works'</i> .
25 June 2025	The application was considered by the Camden Design Review Panel.
4 September 2025	The applicant lodged a 'deemed refusal' Class 1 Appeal against DA/2025/243/1 in the NSW Land Environment Court which remains before the court.
29 October 2025	<p>An in principle agreement has been reached in the Class 1 Appeal for DA/2024/114/1 which will approve in Stage 1 a subdivision creating 8 super lots and a road widening lot and in Stage 2 a 36 lot residential subdivision.</p> <p>Council's remaining concerns with the application are primarily the developments shown with Stages 3-6 in the subject application (DA/2025/243/1) for the reasons outlined at the end of this report.</p>

## ZONING PLANS



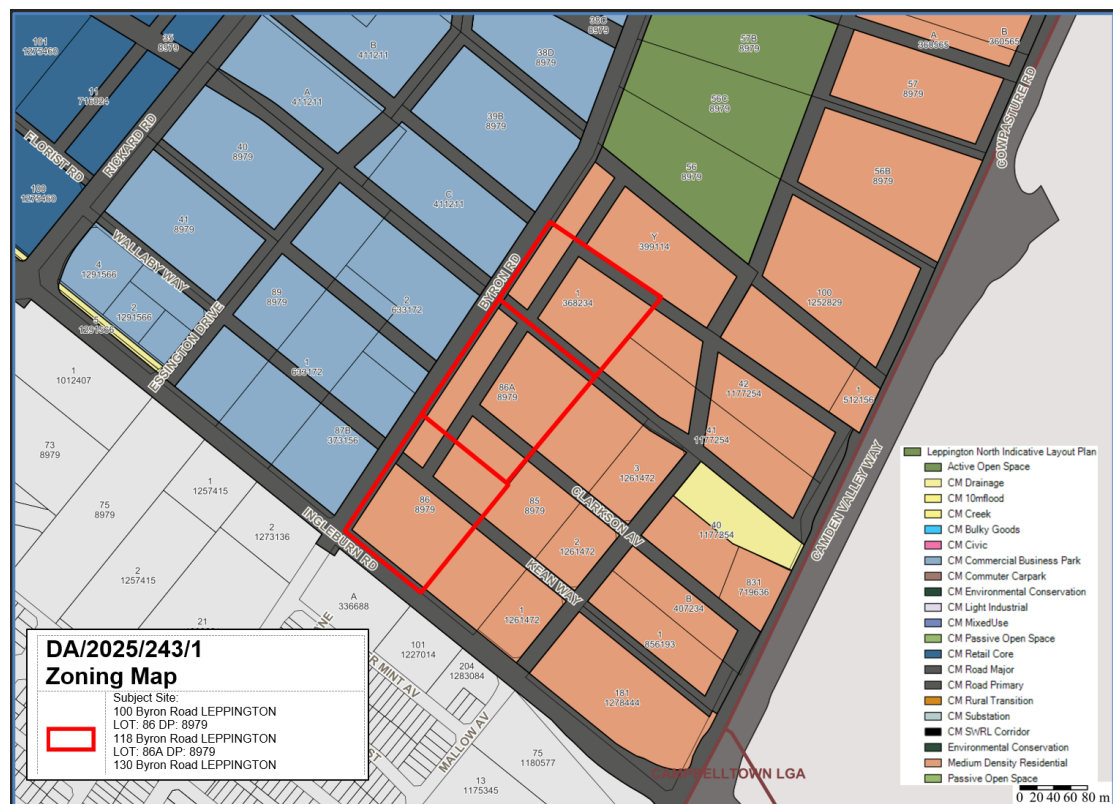
Current zoning map



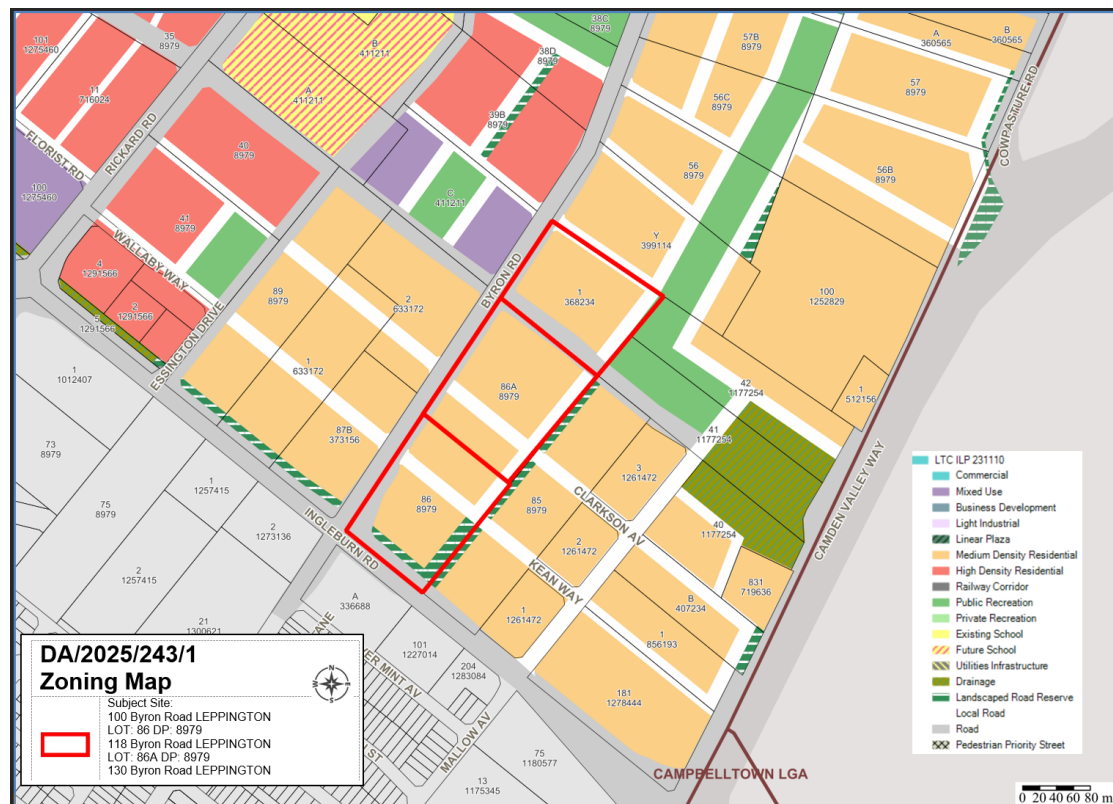
Proposed zoning map (Leppington Town Centre Review Planning Proposal)



## INDICATIVE LAYOUT PLANS



Current Indicative Layout Plan



Proposed Indicative Layout Plan (Leppington Town Centre Review Planning Proposal)



## THE PROPOSAL

DA/2025/243/1 seeks approval for the demolition of existing structures, removal of trees and vegetation, dam rewatering, remediation and subdivision creating ninety-four (94) Torrens title and ninety-one (91) community title lots with the construction of 124 attached, detached and semi-detached dwellings with road construction, drainage construction, servicing and all associated site works.

Specifically, the development involves:

- Demolition of existing dwelling houses and ancillary structures / sheds;
- Remediation of contaminated land;
- Staged subdivision and construction, being:
  - (i) Stage 1 – subdivision of three existing lots to create 8 residue super lots;
  - (ii) Stage 2 – subdivision of residue lots 102, 104, 105 and 107 to create 36 residential lots;
  - (iii) Stage 3 – Torrens title subdivision of residue lots 101, 103 and 106 and construction of 59 residential lots consisting of 32 attached dwellings, 5 dwelling houses, 22 semi-detached dwellings and two residue lots (lots 360 and 361).
  - (iv) Stage 4 – subdivision of residue lot 360 to create 24 community title lots and one community lot, construction of 23 multi-dwelling housing made up of 3 attached dwellings and 20 semi-detached dwellings.
  - (v) Stage 5 – community title subdivision of residue lot 361 to create 37 community titled lots and one community lot, construction of 36 multi-dwelling housing dwellings made up of 3 attached dwellings, 5 dwelling houses and 28 semi-detached dwellings.
  - (vi) Stage 6 – community title subdivision of residue lot 108 to create 30 community title lots and one community lot, and construction of 6 dwelling houses and 24 semi-detached dwellings.
- Dedication of land for road widening fronting Byron and Ingleburn Road;
- Construction of roads and public domain works;
- Removal of 130 trees and retention of 6 trees; and
- Associated works including earthworks, dam dewatering, drainage infrastructure, installation of services and landscaping.

## DESIGN REVIEW PANEL ADVICE

The DA, which was lodged on 2 May 2025, was considered by Camden's Design Review Panel (DRP) on 25 June 2025. The DRP raised a number of concerns (shared by Council staff) with respect to the proposed built form, layout, public domain and overall amenity.

In summary the key issues with this development in its current form are:

- a. The proposed development departs from the evolving character of the Leppington Town Centre. The proposed street grid varies from the surrounding street grid and this adversely impacts the proposal's legibility as it is severed from the surrounding urban fabric, creating cul-de-sacs where streets should pass through. More cross connectivity is desired through to the rest of Leppington.
- b. Numerous dwellings do not have allocated parking spaces, which are then scattered across the site, which diminishes the sense of ownership of place. Parking is then clustered along common accessways, creating the appearance of parking lots and eroding the opportunity for these spaces to be common recreational areas. The proposal lacks an identifiable 'heart' or gathering destination.
- c. The secondary streets (on community title lots) (stages 4, 5 and 6) do not feel like streets, as they have the character of a car park and private roads. The net effect is that the development has an appearance of a gated community, in particular Stages 2, 3 and 4 which have proposed no through roads. 90-degree parking is not interspersed with trees, so long continuous stretches of parking dominate the character of the internal roads. Parked cars are not working to slow traffic. They erode character and clutter the streetscape. Residents won't open their front door to another front door across the street; they'll open them to a car park and this is not a desirable outcome.
- d. Some dwelling's in Stages 4-6 have a front garden directly opposite another dwelling's front bedroom, resulting in likely noise issues and privacy concerns. In some other cases, dwellings have bedrooms that face the street they front, likely leading to a lack of natural surveillance during the daytime. The internal layout of dwellings needs to be more considered, including their exposure to noise and co-location of rooms that support each other's uses.
- e. Single storey-built form in the R3 Medium Density Residential zone, albeit a permissible use in the form of attached dwellings is not consistent with the evolving character and evolving surrounding streetscape.
- f. There is a significant risk of overly high fences diminishing the social aspect of laneways and public spaces, as tall acoustic fencing may be required to deal with the noise of Byron Road (as dwellings will front this road side-on). Side on dwellings to Byron Road will likely have non-compliances with the requirement of principle private open space areas achieving < 57dBA. This is not achievable without a minimum 1.8m acoustic wall creating poor presentation to Byron Road.
- g. Stages 4, 5 and 6 create poor amenity as they are dominated by hardstand views of the 'communal car court' rather than providing their own individual garages for car parking. This is where the dwellings fail to provide a prestigious

sense of arrival, convenience storage of vehicles, their own 'sense of place' and individuality.

## **ASSESSMENT**

### ***Environmental Planning and Assessment Act 1979 - Section 4.15(1)***

In determining a DA, the consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the DA:

#### ***(a)(i) the provisions of any environmental planning instrument***

The environmental planning instruments that apply to the development are:

- State Environmental Planning Policy (Planning Systems) 2021.
- State Environmental Planning Policy (Precincts - Western Parkland City) 2021.
- State Environmental Planning Policy (Transport and Infrastructure) 2021.
- State Environmental Planning Policy (Resilience and Hazards) 2021.
- State Environmental Planning Policy (Sustainable Buildings) 2022.
- State Environmental Planning Policy (Biodiversity and Conservation) 2021.

#### **State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP)**

The Planning Systems SEPP identifies development that is State significant development, infrastructure and critical infrastructure and regionally significant development.

The Panel is the consent authority for this DA as the development has an EDC of \$57,487,136. The EDC threshold for Council to determine the DA is \$30 million in accordance with Schedule 6 of the SEPP.

#### **State Environmental Planning Policy (Precincts - Western Parkland City) 2021 (Western Parkland City SEPP)**

The Western Parkland City SEPP aims to co-ordinate the release of land for residential, employment and other urban development in the North West Growth Centre, the South West Growth Centre, the Wilton Growth Area and the Greater Macarthur Growth Area.

#### ***Site Zoning***

The site is zoned R3 Medium Density Residential pursuant to Appendix 5, Clause 2.2 of the Western Parkland City SEPP.

#### ***Development Characterisation***

The development includes 'demolition', 'subdivision', 'multi-dwelling housing', 'attached dwellings' and 'semi-detached dwellings' pursuant to the Western Parkland City SEPP.

#### ***Permissibility***

The developments characterisations outlined above are permitted with consent pursuant to the land use table in Appendix 5 of the Western Parkland City SEPP.

### *Planning Controls*

An assessment table in which the development is considered against the Western Parkland City SEPP's planning controls is provided as an attachment to this report.

It is assessed that the DA should be refused as the proposed development will result in lots and dwellings that are inconsistent with the zone objectives of the R3 Medium Density Residential zone and which will result in an underdevelopment of the Site, with unacceptable social impacts and unacceptable impacts on the built environment of the locality.

The consent authority must have regard to the objectives for development in a zone when determining a development application. The objectives of the R3 Medium Density Zone include 'to provide for the housing needs of the community within a medium density residential environment' and 'to provide a variety of housing types within a medium density residential environment'. The proposed development is inconsistent with the R3 Medium Density zone objectives as the site has no maximum FSR and a maximum building height of 21m under the WPC SEPP. The proposed development includes predominantly single storey dwellings which is an underdevelopment of the site. The intention of the SEPP is to maximise density in close proximity to public transport and town centres.

The key issues of concern with this application are the lack of housing diversity proposed in Stages 4, 5 and 6 which seeks consent for two bedroom single storey villas with no allocated undercover parking contained to the lot. This housing product proposed is not in keeping with the envisaged character of the R3 Medium Density Residential zone that is within 1km of the Leppington Railway Station and 500m of the Leppington Town Centre and is comparable to a product that would be found in the R2 Low Density Residential zone.

The design and layout of the proposal will result in a development of substandard amenity and appearance and therefore the application is recommended for refusal.

### State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP)

The Transport and Infrastructure SEPP aims to facilitate the effective delivery of infrastructure across the State.

### *Referral to Endeavour Energy (Endeavour)*

The DA was referred to Endeavour for comment pursuant to Section 2.48 of the Transport and Infrastructure SEPP. Endeavour raised no objections to the development and recommended compliance with a number of technical guidelines and requirements.

### State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP)

### *Contaminated Land*



Section 4.6 of the Resilience and Hazards SEPP requires the consent authority to consider if the site is contaminated. If the site is contaminated, the consent authority must be satisfied that it is suitable in its contaminated state for the development. If the site requires remediation, the consent authority must be satisfied that it will be remediated before the land is used for the development. Furthermore, the consent authority must consider a preliminary contamination investigation in certain circumstances.

A detailed contamination investigation was carried out for the site and the site was found to be suitable for residential use. Council's Environmental Health Specialist has reviewed the proposal and confirmed that the site is suitable for a proposed residential subdivision and multi-dwelling housing development.

State Environmental Planning Policy (Sustainable Buildings) 2022 (Sustainable Buildings SEPP)

The Sustainable Buildings SEPP aims to encourage the design and delivery of sustainable buildings, ensure consistent assessment of sustainable buildings, and record accurate data about the sustainability of buildings. The development is satisfactory in terms of Chapter 3 of the Sustainable Buildings SEPP in that:

- the development has been designed to enable the sustainability measures listed in Section 3.2,
- the embodied emissions attributable to the development have been quantified,
- the applicant has provided evidence that the development will incorporate the infrastructure necessary for the development to not use on-site fossil fuels after 1 January 2035,
- the applicant has submitted a NABERS commitment agreement that demonstrates the development is capable of achieving the standards for energy and water use specified in the Sustainable Buildings SEPP, and
- the applicant has detailed the method under Section J of the Building Code of Australia that will be used to demonstrate the development is capable of achieving the standards for energy use specified in the Sustainable Buildings SEPP.

State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP)

The development is satisfactory in terms of the matters for consideration in Chapter 6 of the Biodiversity and Conservation SEPP. There will be no unreasonable adverse impacts upon the Hawkesbury-Nepean Catchment as a result of the development.

***(a)(ii) the provisions of any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)***

Regard must be had to the provisions of the draft Leppington Town Centre Planning Proposal. The application is recommended for refusal as the proposed development is inconsistent with the Planning Proposal, as well as changes to the ILP and Street

Network proposed as part of the draft Leppington Town Centre Development Control Plan.

The Planning Proposal was publicly exhibited between 7 November 2023 and 6 February 2024. The Planning Proposal proposes significant changes to the current WPC SEPP's zoning map, height of buildings, floor space ratio and land reserved for acquisition maps, for the development sites.

The proposed development is inconsistent with the draft DCP, proposed to accompany the amending SEPP under the Planning Proposal. Specifically:

- a. Section 1.4.1 'Compliance with the Indicative Layout Plan'. The proposed development would result in development that is different to what is envisaged by the ILP under the draft DCP in a way that is more than minor as the proposed lot layout and road pattern vary significantly from the ILP under the draft DCP. The proposed lot layout and road pattern would lead to poor planning outcomes when adjoining lots are developed.
- b. Section 2.1 'Vision for Leppington Town Centre'. The low density subdivision proposed is not compatible with the medium density character proposed for the immediate locality. The applicable planning controls prescribe a 25m height limit and 25 dwelling per hectare density target.
- c. Section 2.2 'Desired Future Character Statement'. The proposed development does not provide for a variety of housing types compatible with the medium density character of the locality having regard to its proximity to the Leppington Train Station.
- d. Section 2.3 'Land Use Planning Principles'. The proposed development does not provide opportunities for residential development at the envisaged scale, intensity and function of a medium density character.
- e. Section 2.4 'Transport and Access Planning Principles'. No pedestrian connectivity throughout the site and surrounding neighbourhood is proposed, nor does it provide a local road network compatible with development approved on adjoining sites.
- f. Section 3.2 'Indicative Layout Plan'. The proposed development proposes an unsatisfactory road pattern that do not align with development approved on adjoining properties and super lots that do not result in size or dimensions capable of providing for housing types of a medium density character.

In accordance with the above inconsistencies and non-compliances with both the draft Planning Proposal and draft Leppington Town Centre DCP, the proposal is recommended for refusal.

***(a)(iii) the provisions of any development control plan***

**Camden Growth Centres Precincts Development Control Plan 2023**

An assessment table in which the development is considered against the Camden Growth Centres Precincts DCP 2023 is provided as an attachment to this report.

The proposal is recommended for refusal as it is inconsistent with the Camden Growth Centres Precincts DCP 2023. The proposal in its current form creates a number of

concerns, primarily these are in relation to block and lot layout, building setbacks, car parking, waste collection and poor public domain and streetscape amenity.

In addition to the above, the proposal results in a number of non-compliances with CGCP DCP statutory controls such as:

- a. The proposed development is inconsistent with Part 2.2 'Leppington North Indicative Layout Plan' of the CGCP DCP as it proposes a road pattern that will become incompatible with adjoining properties and their subsequent development approvals and the overall envisaged medium density character of the Leppington North Precinct.
- b. The proposed development with the addition of laneways and at grade car parking areas are inconsistent with section 3.1.2 'Block and Lot Layout' of the CGCP DCP as the application has not demonstrated adequate vehicle connectivity between residential neighbourhoods, public transport routes and open space areas due to cluttered streets and excessive hardstand areas.
- c. The proposed development includes a number of dwellings that are non-compliant with Section 4.2.3 and Table 4-2 of the CGCP DCP which requires a front setback of 4.5m to the façade.
- d. The proposed development is non-compliant with Section 4.2.8 (3, 4, 5, 6, 10 and 11) and Table 4-2 of the CGCP DCP which requires either a front loaded garage to a public street or rear loaded garage from a street or laneway for each dwelling.
- e. The proposal is inconsistent with Section 4.3.2 (1) of the CGCP DCP as the development does not propose individual garages located at the rear of the lots.
- f. The proposal is inconsistent with Section 4.3.2 (2) of the CGCP DCP as the development does not demonstrate that the proposed dwellings have any sense of rhythm or order when visualised side on from Byron Road.
- g. The proposal is inconsistent with Section 4.3.4 (1) of the CGCP DCP as the dwellings in Stages 4-6 do not have direct frontage or driveways and garages to a public road.
- h. The proposal is inconsistent with Section 4.3.4 (2) of the CGCP DCP as the development does not demonstrate full compliance with Table 4-9 due to the following non compliances:
  - i. The multi-dwelling housing in Stages 4-6 are to provide a 4.5m front setback. The current proposal shows dwellings with a 3m front setback which is not supported as these lots are not considered 'rear accessed'.
  - ii. Corner lots in Stage 3 are to provide the minimum 1m secondary street setback prescribed by the DCP and corner lots in Stages 4-6 are to provide the minimum 2m secondary street setback.
  - iii. Internal building separation distance for multi-dwelling housing units do not achieve the minimum 5m between dwelling groups.

- iv. For multi-dwelling housing units, “one car parking space is required per dwelling”, “*car parking spaces are to be provided behind the building line or garages fronting the street*”. No individual driveways or garages with parking spaces are proposed behind the building or fronting the street in Stages 4-6.
- v. The CPG DCP requires garages and car parking dimensions for 1-2 bedroom dwellings of 3m x 5.5m for covered and 2.5m x 5.2m for uncovered spaces, with at least one car parking space per dwelling.

For the above non-compliances and inconsistencies with the Camden Growth Centres Precincts DCP 2023 it is therefore recommended the application be refused.

***(a)(iia) the provisions of any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4***

No relevant planning agreement or draft planning agreement exists or has been proposed as part of this DA.

***(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)***

The *Environmental Planning and Assessment Regulation 2021* prescribes several matters that are addressed in the conditions attached to this report.

***(b) the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality***

The Proposed Development would unreasonably impact on the economic and orderly development of land in the locality as approval of the application would set a poor planning precedent to other development sites that lower density development is satisfactory in the R3 Medium Density Residential zone.

As demonstrated by the assessment, the development is likely to have unreasonable adverse impacts on either the natural or built environments, or the social and economic conditions in the locality and therefore the application is recommended for refusal.

***(c) the suitability of the site for the development***

As demonstrated by the assessment, the site has not demonstrated it is suitable for the proposed development.

***(d) any submissions made in accordance with this Act or the regulations***

The DA was publicly exhibited for a period of 14 days in accordance with Camden Community Participation Plan 2021. The exhibition period was from 27 May to 23 June 2025 and no submissions were received.

***(e) the public interest***

The public interest is served through the detailed assessment of this DA under the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2021*, environmental planning instruments, development



control plans and policies. Based on the assessment, the development is inconsistent with the public interest and therefore it is recommended for refusal.

### **EXTERNAL REFERRALS**

The external referrals undertaken for this DA are summarised in the following table:

<b>External Referral</b>	<b>Response</b>
Endeavour Energy	No objection and conditions recommended
Sydney Water	No objection and conditions recommended

### **FINANCIAL IMPLICATIONS**

This matter has no direct financial implications for Council.

### **CONCLUSION**

The DA has been assessed in accordance with Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies.

The DA is recommended for refusal for the reasons outlined below.

### **RECOMMENDATION**

**That the Panel refuse DA/2025/243/1 for the demolition of existing structures, removal of trees and vegetation, dam rewatering, remediation and subdivision creating ninety-four (94) Torrens title and ninety-one (91) community title lots with the construction of 124 attached, detached and semi-detached dwellings with road construction, drainage construction, servicing and all associated site works at 100, 118 and 130 Byron Road Leppington for the following reasons:**

- 1. The development is inconsistent with the following sections of the State Environmental Planning Policy (Precincts - Western Parkland City) 2021 – Appendix 5 Camden Growth Centres Precinct:**
  - a. The proposal is inconsistent with the objectives of the R3 Medium Density Zone as outlined by Clause 2.1 of the SEPP:**
    - i. The proposed development is inconsistent with the R3 Medium Density zone objectives as the site has no maximum FSR and a maximum building height of 21m under the WPC SEPP. The proposed development includes predominantly single storey dwellings which is an underdevelopment of the site. The intention of the SEPP is to maximise density in close proximity to public transport and town centres.**
    - ii. The housing product proposed is not in keeping with the envisaged character of the R3 Medium Density Residential zone that is within 1km of the Leppington Railway Station and 500m of the Leppington Town Centre and is comparable to a product that would be found in the R2 Low Density Residential zone.**

2. The development is inconsistent with the following sections of the Camden Growth Centres Precincts Development Control Plan 2023:
- a. The proposed development is inconsistent with Part 2.2 'Leppington North Indicative Layout Plan' of the CGCP DCP as it proposes a road pattern that will become incompatible with adjoining properties and their subsequent development approvals and the overall envisaged medium density character of the Leppington North Precinct.
  - b. The proposed development is inconsistent with section 3.1.2 'Block and Lot Layout' of the CGCP DCP as the application has not demonstrated adequate vehicle connectivity between residential neighbourhoods, public transport routes and open space areas. The proposal includes a number of laneways and at grade car parking areas resulting in the public domain dominated by hardstand areas and cluttered streets proposed to be littered with vehicles.
  - c. The proposed development is non-compliant with Section 4.2.3 and Table 4-2 of the CGCP DCP which requires a front setback of 4.5m to the façade.
  - d. The proposed development is non-compliant with the planning objectives (a, b, c and d) of Section 4.2.8 of the CGCP DCP as the development has exacerbated hardstand areas for the 'car court' onto the streetscape which results in inconvenient and unsafe access for residents and provides no casual surveillance from their dwellings over the street and results in all dwellings in Stage 4-6 having no on-site parking which is contrary to the objectives of the CGCP DCP.
  - e. The proposed development is non-compliant with Section 4.2.8 (3, 4, 5, 6, 10 and 11) and Table 4-2 of the CGCP DCP which requires either a front loaded garage to a public street or rear loaded garage from a street or laneway for each dwelling. To comply with the CGCP DCP, each dwelling should contain one garage located behind the building line and accessed from the street on the front property boundary. The arrangement of the 'car court' is inconsistent with the envisaged streetscape character and will interrupt traffic patterns and further create conflict with pedestrians. Driveways are to be provided for dwellings compliant with Section 3.1.4 of the DCP.
  - f. The proposal is inconsistent with Part 4.3.2 of the CGCP DCP for attached or abutting dwellings as the objective of this section is '*to ensure that the development of attached or abutting dwellings creates an architecturally consistent street character*'. Stages 4-6 has not included any garages or vehicle parking with the development and therefore the dwellings are non-compliant with respect to vehicle parking. The proposed 'car court' throughout Stages 4-6 does not create architecturally consistent street character, it in fact significantly increases the amount of hardstand area throughout the site that results in reduced landscaping opportunities, cluttered car parking for residents and visitors and will conflict with weekly bin collection.

- g. The proposal is inconsistent with Section 4.3.2 of the CGC PDCP as the development does not demonstrate compliance with Table 4-2 due to the following non compliances:**
- i. The proposal is inconsistent with Section 4.3.2 (1) of the CGCP DCP as the development does not propose individual garages located at the rear of the lots. This control states that where attached dwellings have frontage to a Collector Road, all vehicle access and parking are to be located at the rear of the lot. The subject road frontage to Byron Road will be upgraded to a four lane sub arterial road and therefore the expectation is separate vehicle parking for each lot is required at the rear. This would require dwellings to be reorientated to face Byron Road for rear loaded garages to be provided.**
  - ii. The proposal is inconsistent with Section 4.3.2 (2) of the CGCP DCP as the development does not demonstrate that the proposed dwellings have any sense of rhythm or order when visualised side on from Byron Road. The rows of dwellings appear to be random and staggered and lack unity. The proposed materials and finishes lack any high quality finishes making this housing product look undesirable from Byron Road and will have detrimental impacts on the envisaged medium density character of the area.**
- h. The proposal is inconsistent with the objectives of Section 4.3.4 (2) of the CGCP DCP as the development does not demonstrate a design that is consistent with the envisaged character of the R3 Medium Density Residential zone within the precinct, nor does the proposal result in housing of any high quality urban design or layout that contributes to the amenity of future residents.**
- i. The proposal is inconsistent with Section 4.3.4 (1) of the CGCP DCP as the dwellings in Stages 4-6 do not have direct frontage or driveways and garages to a public road.**
- j. The proposal is inconsistent with Section 4.3.4 (2) of the CGCP DCP as the development does not demonstrate full compliance with Table 4-9 due to the following non compliances:**
- i. The multi-dwelling housing in Stages 4-6 are to provide a 4.5m front setback. The current proposal shows dwellings with a 3m front setback which is not supported as these lots are not considered 'rear accessed'.**
  - ii. Corner lots in Stage 3 are to provide the minimum 1m secondary street setback prescribed by the DCP and corner lots in Stages 4-6 are to provide the minimum 2m secondary street setback.**
  - iii. Internal building separation distance for multi-dwelling housing units do not achieve the minimum 5m between dwelling groups.**

- iv. For multi-dwelling housing units, *“one car parking space is required per dwelling”*, *“car parking spaces are to be provided behind the building line or garages fronting the street”*. No individual driveways or garages with parking spaces are proposed behind the building or fronting the street in Stages 4-6.
  - v. The CPG DCP requires garages and car parking dimensions for 1-2 bedroom dwellings of 3m x 5.5m for covered and 2.5m x 5.2m for uncovered spaces, with at least one car parking space per dwelling.
3. The development is not in the public interest as it is inconsistent with the following draft Environmental Planning Instrument being the Leppington Town Centre Review and its subsequent Leppington Town Centre Development Control Plan:
- a. Section 4.15(1)(a)(ii) of the EPA Act requires the consent authority to consider any proposed instrument that is, or has been, the subject of public consultation in determining a development application.
  - b. The Planning Proposal was publicly exhibited between 7 November 2023 and 6 February 2024.
  - c. The Planning Proposal proposes significant changes to the current WPC SEPP’s zoning map, height of buildings, floor space ratio and land reserved for acquisition maps, for the Site. Specifically, under the Planning Proposal:
    - i. the site will have a maximum building height of 25m (increased from 21m under the WPC SEPP).
    - ii. a maximum floor space ratio of 1.8:1 will be introduced for portions of the site that are not roads under the proposed amendments to the Leppington Town Centre ILP.
    - iii. A portion of the site fronting Byron Road and Ingleburn Road will be zoned SP2 and reserved for future acquisition to accommodate a 25m town centre street road upgrade of Ingleburn Road, the upgrade of Byron Road, and a signalised intersection treatment at the intersection of Byron Road and Ingleburn Road.
  - d. The Planning Proposal also proposes significant changes to the ILP and street network plan relevant to the site.
  - e. The proposed development is inconsistent with the Draft DCP, proposed to accompany the amending SEPP under the Planning Proposal. Specifically:
    - i. Section 1.4.1 ‘Compliance with the Indicative Layout Plan’. The proposed development would result in development that is different to what is envisaged by the ILP under the Draft DCP in a way that is more than minor as the proposed lot layout and road pattern vary significantly from the ILP under the Draft



- DCP. The proposed lot layout and road pattern would lead to poor planning outcomes when adjoining lots are developed.
- ii. Section 2.1 'Vision for Leppington Town Centre'. The low density subdivision proposed is not compatible with the medium density character proposed for the immediate locality. The applicable planning controls prescribe a 25m height limit and 25 dwelling per hectare density target.
  - iii. Section 2.2 'Desired Future Character Statement'. The proposed development does not provide for a variety of housing types compatible with the medium density character of the locality having regard to its proximity to the Leppington Train Station.
  - iv. Section 2.3 'Land Use Planning Principles'. The proposed development does not provide opportunities for residential development at the envisaged scale, intensity and function of a medium density character.
  - v. Section 2.4 'Transport and Access Planning Principles'. No pedestrian connectivity throughout the site and surrounding neighbourhood is proposed, nor does it provide a local road network compatible with development approved on adjoining sites.
  - vi. Section 3.2 'Indicative Layout Plan'. The proposed development proposes an unsatisfactory road pattern that does not align with development approved on adjoining properties and super lots that do not result in size or dimensions capable of providing for housing types of a medium density character.
- f. The proposed development if approved would likely have significant environmental, social and economic impacts on the broader Leppington area.
- g. Leppington has been identified by the NSW State Government as a Strategic Centre and the proposed development would undermine the Planning Proposal's purpose in a substantial way which seeks to respond to the designation by the state government.
- h. The proposed development is inconsistent with the envisaged built form character and indicative layout plan of public roads for the Leppington Town Centre. Specifically:
- i. The proposed development does not meet the objectives of the R3 Medium Density Residential zone set in the Planning Proposal.
  - ii. The plans do not demonstrate that the subdivision would consist of medium density housing typologies.
  - iii. A Housing Market Demand Analysis supporting the Planning Proposal states that the Precinct, which includes the subject

site, can support 12,000 dwellings up to 2046 (either as part of a residential flat building or multi housing development).

- iv. The proposed development is inconsistent with the need to provide a variety of housing types. The Planning Proposal envisages housing typologies of a medium density character such as attached/multi-dwelling housing and/or residential flat buildings. Byron Road will be a future bus capable road supporting public transport and greater residential density.
  - v. The proposed development fails to respond to approved development on adjoining sites and the vision set out in the Planning Proposal to create a highly connected and accessible strategic centre.
  - i. The envisaged future character of this area will result in developments of significantly higher densities with built form such as residential flat buildings on prominent street frontages transitioning to multi-dwelling housing developments. The proposed development is a significant underutilisation of the subject site and does not achieve the desired future character of the Leppington Strategic Centre.
- 4. The development is not of an appropriate scale and form for the site and the character of the medium density locality.
  - 5. The development is likely to have unreasonable adverse impacts on the natural or built environments.
  - 6. Insufficient information has been submitted to enable a full and proper assessment of the application and its likely impacts, including:
    - a. An impact assessment for all trees is required which includes percentages of encroachment. The percentages of encroachments are required to determine if the impacts are a major or minor, which is referred from the Australian Standard, protection of trees on development sites As4970-2009.
    - b. Root mapping investigation is required for trees on neighbouring land and trees in the public domain. As a minimum requirement, the Root Mapping Report should include the following information:
      - i. A plan showing the location of all excavation lines in relation to the existing site conditions.
      - ii. Photographs of the completed excavation lines. The photographs are to include points of reference so that their location and orientation can be determined.
      - iii. A schedule of findings for each individual excavation line. This schedule is to include:
        - (a) the total linear distance of the excavation line,
        - (b) the linear distance along the excavation that the root was located,
        - (c) the depth at which the root was encountered and
        - (d) the diameter of the root.

- c. Any visual variations in roots observed are to be noted (e.g. highly visible lenticels). e) A section, with X (depth) and Y (Length) axis indicated, of the completed trench and all findings. All material found within the trench is to be included (e.g. roots, pipes etc.).
- d. No civil engineering plans have been provided to Council for assessment of Stage 3 of the development. Council requires a bulk earthworks plan, drainage and stormwater plans be provided for assessment.
- e. No temporary OSD/WSUD is proposed. The site needs to provide interim water quantity and quality management infrastructures to cater for all stages of the development until the regional infrastructures are built for residential, open space and road catchments in accordance with Section CGCP DCP.
- f. The following information for Stage 4 is not satisfactory:
  - i. Road 402 LS indicates the proposed pavement falls away from the new pit in the existing land to Ch 61.77. Clarification is required as to whether it's intended to capture the grassed catchment near lot 2 as indicated on sheet 2 of the civil engineering plans.
  - ii. Road 401 driveway splays don't appear to match the VC shown on the Stage1 & 2 civil engineering plans. The splay for Lot 18 appears to clash with the pit proposed under Stage 1 & 2 civil plans.
  - iii. Sag pit near Road 401 Ch 49 does not appear to have a suitable relief path and will likely overtop the kerb and flood the lots first prior to flowing into Road 402. The cul-de-sac and Road 402 arrangement should be redesigned and 0.1m contours provided in this area for further assessment.
  - iv. Further information is required to clarify the purpose of what appears to be a dish crossing cutting through Road 402.
  - v. Further information is required to demonstrate if the cul-de-sac kerb is able to relieve the pit fronting lot 22 as this may need to be a sag pit.
  - vi. Structural design is required for the proposed stairs.
  - vii. A water quality catchment plan is required to indicate what catchments are impervious/pervious and whether water is being captured by the abovementioned temporary basin.
- g. The following information for Stage 5 is unsatisfactory:
  - i. Structural design is required for the proposed stairs.
  - ii. Insufficient information has been provided to demonstrate that driveway entry on Road 105 is safe, having regard to its proximity to a major intersection.
  - iii. A water quality catchment plan is required to indicate what catchments are impervious/pervious and whether water is being captured by the abovementioned temporary basin.
- h. The following information for Stage 6 is unsatisfactory:

- i. Current grading appears to direct surface flows to pit 5D which appears to be unintended. Further information is required to demonstrate that the design surface can be adjusted to direct flows to pit 5E and form an overflow route through to pit 412 and the proposed drainage reserve.
  - ii. The application does not show all inter-allotment drainage pits at the lowest point in their respective lots where applicable.
  - iii. Relocate pit 107A out of lot 19 in the parent stage.
  - iv. Pit 411 chamber is to be modified/extended to incorporate drainage line from pit 7A.
  - v. Insufficient information has been provided to demonstrate that driveway entry on Road 105 is safe, having regard to its proximity to a major intersection.
  - vi. A water quality catchment plan is required to indicate what catchments are impervious/pervious and whether water is being captured by the abovementioned temporary basin.
- 7. The application has not demonstrated that the site can adequately support the development.
- 8. For the above reasons, the development is not a suitable use of the site and its approval is not within the public interest.